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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,749	11/21/2003	Matias Duarte	4676P051	1798

7590 02/08/2006

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EXAMINER

SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,749

Applicant(s)

DUARTE ET AL.

Examiner

VIJAY SHANKAR

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12,15,16 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 3-10, 13-14, 17-18, and 19-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 11-12, 15-16, 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Finke-Anlauff (6,850,226).

Regarding Claims 1, 15, 28, Finke-Anlauff teaches the apparatus and method for use in a data processing device comprising a cursor control device to perform one or more defined cursor control functions (Figures 1-8; Column 2, line 36- Col.4, line 47); an audio system embedded within the cursor control device, the audio system to generate audio responsive to audio signals received and/or generated by the data processing device (Figures 1,5-7; Column 3, line 54- Col.4, line 42); and a light source embedded within the cursor control device, the light source to generate light responsive to control signals generated by the data processing device. (Figures 1-7; Column 2, line 36-Col.4, line 47).

Regarding Claims 2, 16 Finke-Anlauff teaches the apparatus and method wherein the cursor control device comprises a directional pad configured to direct a cursor in specified directions responsive to a user input. (Figures 1,3-5,7; Column 3, line 55 -Col.4, line 41).

Regarding Claims 11-12 and 26-27, Finke-Anlauff teaches the apparatus as in claim 1 wherein the light source comprises a light emitting diode ("LED"); and wherein the cursor control device comprises an-external surface exposed to and end user and an internal surface, the LED configured to shine light between the external surface and the internal surface to illuminate the cursor control device. (Figures 1,3-5,7; Column 3, line 55 -Col.4, line 41).

***Allowable Subject Matter***

3. Claims 3-10, 13-14, 17-18, and 19-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

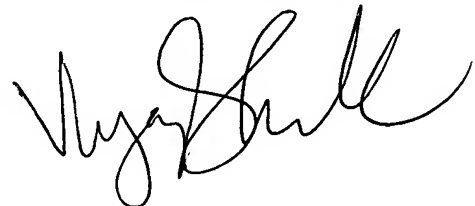
4. The following is an examiner's statement of reasons for allowance: The prior arts fails to teach the system wherein the directional pad comprises: a button shell having an exterior surface and an interior surface; an actuator platform coupled to the button shell, the actuator platform pivoting around a pivot point; and one or more switches interfacing with one or more points on the actuator platform, the switches communicatively coupled to generate control signals responsive to physical user input on the button shell, and the audio system further comprises: an audio receiver fixedly attached to an inside surface of the cursor control device, the audio receiver having a speaker for generating the audio responsive to the audio signals; and a first air chamber adjacent to the audio receiver, the first air chamber positioned behind the speaker within the audio receiver; and the directional pad further comprises: a boot fixedly coupled to the interior surface of the button shell; and an audio receiver of the audio system fixedly inserted into the boot, the audio receiver to generate audio responsive to audio signals generated and/or received by the data processing device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673

VS